

July 5, 2017

Edward H Pavlish
Chemical Solvents Inc.
3751 Jennings Road
Cleveland, Ohio 44109

Re: Notice of Intent to File Suit regarding Alleged Violation of TSCA

Dear Sir:

This is a notice of intent to sue to restrain alleged ongoing violations of the Toxic Substances Control Act ("TSCA") by Chemical Solvents Inc. pursuant to section 20(a)(1) of TSCA. As required by 40 CFR § 702.62(b), the details of the alleged violations are as follows:

(1). Specific TSCA Provisions Violated. Section 15 of TSCA provides that it is unlawful for any person to –

“(1) fail or refuse to comply with any requirement of this title or any rule promulgated . . . under this title; or . . .

“(3) fail or refuse to . . . submit reports, notices, or other information, . . . as required by this Act or a rule thereunder;”

EPA has promulgated a Chemical Data Reporting (“CDR”) rule, 40 C.F.R. Pt. 711, using its authority under section 8(a) of TSCA. The CDR rule requires the submission of basic information about chemical manufacturing processes and use, and exposure profiles of commercially significant chemicals. Reporting is required for all chemicals manufactured or imported at a given site in amounts of 25,000 pounds or more per facility in a given reporting year. Reports must be filed on what the Agency calls a “Form U.” Manufacturers and importers subject to the CDR must file these forms with the Agency every four years. The latest cycle was completed last fall, with reports due on October 31, 2016.

Failure to submit Form Us under the CDR is “unlawful” under section 15 and therefore constitutes a “violation of this Act” subject to a citizens’ suit under section 20(a)(1) of TSCA. Such violations are continuing in nature because the obligation to report does not elapse on the reporting deadline but remains until the report is filed.

(2). Activity Constituting an Alleged Violation. Our understanding is that Chemical Solvents imports n-Propyl Bromide (“nPB”) for distribution in the US for a variety of uses. We have not identified any Form Us in EPA’s CDR data-base for the 2016 reporting cycle that list Chemical Solvent’s imports of nPB. However, a search of a commercial database (known as Panjiva) which organizes U.S. Customs and Border Protection records of container ship contents indicated several nPB imports by the company between March 2014 and the end of 2015. The amounts imported were as follows:

2014 – 244,713 pounds

2015 – 232,808 pounds

According to Panjiva, the records for these shipments identify Chemical Solvents as the importer of record. Since the import amounts exceed the 25,000 threshold for CDR reporting, Chemical Solvents was required to identify them in a Form U filed with EPA.

(3). Person or Persons Responsible for the Alleged Violation. We believe that, as the importer of record for the nPB shipments, Chemical Solvents was (and is) responsible for compliance with CDR reporting requirements under 40 CFR §711.8.

(4). Location of Alleged Violation. The CDR rule was developed and promulgated at EPA headquarters in Washington DC and reports must be filed with the Office of Chemical Safety and Pollution Prevention (OCSPP) at EPA's Washington DC office. Accordingly, we believe that this office was the site of the alleged violation.

In the alternative, since Chemical Solvents was the importer of record for nPB and was responsible for CDR compliance under EPA regulations, we believe its office in Cleveland can also be considered the site of the alleged violations.

(5). Dates of Alleged Violations. Based on Panjiva shipping records, we identified the following dates of nPB imports by Chemical Solvents:

12/5/15	Chemical Solvents Inc.
8/11/15	Chemical Solvents Inc.
7/6/15	Chemical Solvents Inc.
3/29/15	Chemical Solvents Inc.
2/28/15	Chemical Solvents Inc.
10/17/14	Chemical Solvents Inc.
9/18/14	Chemical Solvents Inc.
9/11/14	Chemical Solvents Inc.
8/28/14	Chemical Solvents Inc.
5/29/14	Chemical Solvents Inc.
5/7/14	Chemical Solvents Inc.
3/11/14	Chemical Solvents Inc.

There may have been additional imports in 2012 and 2013 triggering CDR reporting that we did not identify.

(6). Citizen and Legal Counsel Giving Notice. The citizens giving notice are:

Safer Chemicals Healthy Families
641 S St. NW 3rd Floor
Washington, DC 20001
(202) 793-3050
andyigrejas@saferchemicals.org

Environmental Health Strategy Center
565 Congress St., Ste. 204
Portland, ME 04101
(207) 699-5796
pmacroy@ourhealthyfuture.org

The notifying organizations are represented by:

Robert M. Sussman
Sussman and Associates
3133 Connecticut Avenue NW, #2405
Washington DC 20008
bobsussman1@comcast.net
202-716-0118 (c); 202-758-2227 (o)

Because nPB is a demonstrated hazard to human health and is among the first 10 substances on which EPA is conducting risk evaluations under revised TSCA, compliance with the CDR rule is of utmost importance.

Sincerely yours,



Andy Igrejas
Director
Safer Chemicals, Healthy Families



Michael Belliveau
Executive Director
Environmental Health Strategy Center

cc: Administrator Scott Pruitt, EPA

Larry Starfield, Acting Assistant Administrator, EPA Office of Enforcement and Compliance Assistance
Wendy Cleland-Hamnett, Acting Assistant Administrator, EPA Office of Chemical Safety and
Pollution Prevention